

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

UNITED STATES OF AMERICA

*

v.

*

CR 612-005-2

*

CECIL DEWITT NELSON

*

O R D E R

Pending before the Court is Defendant's motion pursuant to 28 U.S.C. § 1361 to compel an officer or employee to perform a duty. (Doc. 352.) Defendant requests a copy of the docket sheet and protests that certain docket numbers are not present. The Court notes that some of the documents at the allegedly missing docket numbers are sealed or available only to the Court, which could explain Defendant's inability to locate or view them.¹

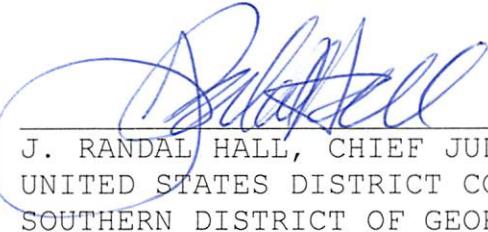
Section 1361 provides that "[t]he district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States . . . to perform a duty owed to the plaintiff." Mandamus is an extraordinary remedy, and appropriate only if "(1) the plaintiff has a clear right to the relief requested; (2) the defendant has a clear duty to act; and (3) no other adequate remedy is available." Serrano v. U.S. Att'y Gen., 655 F.3d 1260, 1263 (11th Cir. 2011) (per

¹ For example, the document at docket number 7 is sealed, while docket numbers 8 through 10 are only available to the Court.

curiam). The burden of demonstrating these factors falls on the party seeking relief. See id.

Defendant has not made any of the required showings for mandamus relief, and therefore his motion pursuant to 28 U.S.C. § 1361 (Doc. 352) is **DENIED**. Nonetheless, the Clerk is directed to include a copy of the docket sheet when mailing this Order to Defendant as a one-time courtesy.

ORDER ENTERED at Augusta, Georgia, this 5th day of March, 2021.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA